The New York Times August 2, 2024 Responses to OpenAI Proposed Search Terms

	A	B	C	D	E	F
1	**NYT's Original Term**	**OAI's Counter-proposal**	**Custodian(s)**	**NYT's Responses & Counter-Counter Proposals (7-11)**	**Custodian(s)**	**OAI's Response & Counter-Proposal July 31**
2	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure) AND (reproduc* OR display* OR distrib* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR infring* OR verbatim OR quot*)	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure) AND (reproduc* OR display* OR distrib* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR infring* OR verbatim OR quot* OR publish*)	Rebecca Grossman-Cohen, Sam Felix, Gordon Diggs	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
3	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure) AND (output* OR summar* OR quot* OR refer* OR regurgitat* OR copy* OR copie* OR infring* OR memoriz* OR generat*)	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure) AND (output* OR summar* OR quot* OR refer* OR regurgitat* OR copy* OR copie* OR infring* OR memoriz* OR generat* OR publish*)	Rebecca Grossman-Cohen, Sam Felix	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
4	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR GenAI OR generative OR GAI OR LLM* OR "language model*" OR chatbot OR "neural network*") AND (reproduc* OR display* OR distrib* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR train* OR infring* OR us* OR summar* OR output* OR quot* OR refer*)	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR GenAI OR generative OR GAI OR LLM* OR "language model*" OR chatbot OR "neural network*" OR Claude OR Anthropic OR Bard OR Gemini OR RoBERTa OR LaMDA OR Perplexity) AND (reproduc* OR display* OR distrib* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR train* OR infring* OR us* OR summar* OR output* OR quot* OR refer* OR publish* OR work* OR artic* OR public*)	Rebecca Grossman-Cohen, Sam Felix, Gordon Diggs	Because third-party GenAI tools are not within the scope of this lawsuit, and the hit counts on OpenAI's counter-proposal were unreasonably high, The Times proposes the following revised term instead: (*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR GenAI OR generative OR GAI OR LLM* OR "language model*" OR chatbot OR "neural network*") AND (reproduc* OR display* OR distrib* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR train* OR infring* OR us* OR summar* OR output* OR quot* OR refer* OR publish* OR work* OR artic* OR public*)	Rebecca Grossman-Cohen, Sam Felix, Gordon Diggs	The Times rejected multiple terms based, in part, on the objection that "third-party GenAI tools are outside the scope of this lawsuit." OpenAI disagrees with the Time's characterization of the relevance of such tools.
5	*GPT* AND (reproduc* OR display* OR distrib* OR copy* OR copie* OR regurgitat* OR train* OR infring* OR us* OR excerpt* OR infring* OR us* OR steal* OR stol* OR develop* OR summar* OR output* OR quot* OR refer* OR memoriz* OR generat*)	*GPT* AND (reproduc* OR display* OR distrib* OR copy* OR copie* OR regurgitat* OR train* OR infring* OR us* OR excerpt* OR infring* OR us* OR steal* OR stol* OR develop* OR summar* OR output* OR quot* OR refer* OR memoriz* OR generat* OR publish* OR work* OR artic* OR public*)	Chris Wiggins, Rebecca Grossman-Cohen, Sam Felix, Gordon Diggs	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
6	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR GenAI OR Microsoft) AND (reproduc* OR display* OR distrib* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR train* OR infring* OR us* OR steal* OR stol* OR develop* OR summar* OR output* OR quot* OR refer* OR ground* OR RAG OR retriev* OR tuning)	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR GenAI OR Microsoft OR generative OR GAI OR LLM* OR "language model*" OR chatbot OR "neural network*" OR Claude OR Anthropic OR Bard OR Gemini OR RoBERTa OR LaMDA OR Perplexity) AND (copyright* OR infring* OR "unfair comp*" OR misapprop* OR (trademark w/2 dilut*) OR tarnish*)	Rebecca Grossman-Cohen, Sam Felix, Gordon Diggs	The Times rejects OpenAI's counter-proposal for this term because the hit counts are unreasonably high and the additional language in this term is aimed at third-party GenAI tools that are outside the scope of this lawsuit.	Rebecca Grossman-Cohen, Sam Felix, Gordon Diggs	The Times rejected multiple terms based, in part, on the objection that "third-party GenAI tools are outside the scope of this lawsuit." OpenAI disagrees with the Time's characterization of the relevance of such tools.
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10	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR GenAI OR Microsoft) AND (complaint OR (example* w/5 complaint*) OR evidence* OR proof OR prov* OR exhibit OR example)	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR GenAI OR Microsoft OR generative OR GAI OR LLM* OR "language model*" OR chatbot OR "neural network*" OR Claude OR Anthropic OR Bard OR Gemini OR RoBERTa OR LaMDA OR Perplexity) AND (complaint OR (example* w/5 complaint*) OR evidence* OR proof OR prov* OR exhibit OR example OR excerpt)	Rebecca Grossman-Cohen, Sam Felix, Gordon Diggs	Because third-party GenAI tools are not within the scope of this lawsuit, and the hit counts on OpenAI's counter-proposal were unreasonably high, The Times proposes the following revised term instead: (*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR GenAI OR Microsoft) AND (complaint OR (example* w/5 complaint*) OR evidence* OR proof OR prov* OR exhibit OR example OR excerpt)	Rebecca Grossman-Cohen, Sam Felix, Gordon Diggs	The Times rejected multiple terms based, in part, on the objection that "third-party GenAI tools are outside the scope of this lawsuit." OpenAI disagrees with the Time's characterization of the relevance of such tools.
11	((OpenAI OR *GPT* OR OAI OR "Open AI") AND (licens* OR negot* OR deal*) AND (ABC OR CBS OR CNN OR Fox OR *NBC* OR "USA Today" OR "Wall Street Journal" OR WSJ OR "Washington Post" OR WaPo OR Politico OR Bloomberg OR "Vice News" OR HBO OR HuffPo* OR "Huffington Post" OR TMZ OR CNET OR NPR OR "Hollywood Reporter" OR Newsweek OR "New Yorker" OR Time OR "U.S. News" OR Buzzfeed OR PMC OR AP OR "Associated Press" OR IAC OR "News Corp" OR Penske))	(OpenAI OR *GPT* OR OAI OR "Open AI") AND (licens* OR negot* OR deal*) AND (ABC OR CBS OR CNN OR Fox OR *NBC* OR "USA Today" OR "Wall Street Journal" OR WSJ OR "Washington Post" OR WaPo OR Politico OR Bloomberg OR "Vice News" OR HBO OR HuffPo* OR "Huffington Post" OR TMZ OR CNET OR NPR OR "Hollywood Reporter" OR Newsweek OR "New Yorker" OR Time OR "U.S. News" OR Buzzfeed OR PMC OR AP OR "Associated Press" OR IAC OR "News Corp" OR Penske)	Rebecca Grossman-Cohen, Sam Felix, Alex Hardiman, A.G. Sulzberger, Meredith Levien	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
12	((OpenAI OR *GPT* OR OAI OR "Open AI") AND (licens* OR negot* OR deal*) AND (PMC OR "Authors Guild" OR "Authors' Guild" OR Disney OR Paramount OR Warner OR "Time Warner" OR Viacom OR Comcast OR NMA OR DCN OR Tremblay OR silverman OR alter OR basbanes OR "raw story" OR Intercept OR "Daily News" OR "Chicago Tribune" OR "Orlando Sentinel" OR Sun-sentinel OR "San Jose Mercury-News" OR "DP Media" OR ORB OR "Northwest Publ*"))	(OpenAI OR *GPT* OR OAI OR "Open AI") AND (licens* OR negot* OR deal*) AND ("raw story" OR AlterNet OR Intercept OR "Daily News" OR "Chicago Tribune" OR "Orlando Sentinel" OR Sun-sentinel OR "San Jose Mercury-News" OR "Mercury News" OR "DP Media" OR "Denver Post" OR ORB OR "Orange County Reg*" OR "Northwest Publ*" OR "Pioneer Press")	Rebecca Grossman-Cohen, Sam Felix, Alex Hardiman, A.G. Sulzberger, Meredith Levien	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
13	n/a	(OpenAI OR *GPT* OR OAI OR "Open AI") AND (licens* OR negot* OR deal*) AND (Kadrey OR Coates Or Diaz OR Greer OR Hwang OR Klam OR Lippman OR Snyder Or Woodson Or Baldacci OR Bird OR Bly OR Branch OR Cohen OR Connelly OR Day OR Franzen OR Grisham OR Hilderbrand OR Kline OR Lang OR LaValle OR Linden OR "R.R. Martin")	Rebecca Grossman-Cohen, Sam Felix, Alex Hardiman, A.G. Sulzberger, Meredith Levien	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.

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14	n/a	(OpenAI OR *GPT* OR OAI OR "Open AI") AND (licens* OR negot* OR deal*) AND (Okrent OR Picoult OR Preston OR Robinson OR Sancton OR Saunders OR Schiff OR Sides OR Shapiro OR Tolentino OR TUrow OR Vail OR Winchetser OR alter OR basbanes OR PMC OR "Authors Guild" OR "Authors' Guild" OR Disney OR Paramount OR Warner OR "Time Warner" OR Viacom OR Comcast OR NMA OR DCN OR Tremblay OR silverman OR Golden)	Rebecca Grossman-Cohen, Sam Felix, Alex Hardiman, A.G. Sulzberger, Meredith Levien	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
15	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft OR Microsoft OR GenAI OR generative OR GAI) AND (reproduc* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR summar* OR output* OR input* OR quot* OR refer* OR RAG OR retriev* OR trademark OR mark) AND (licens* OR paywall OR subscri*)	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft OR GenAI OR generative OR GAI OR LLM* OR "language model*") AND (reproduc* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR summar* OR output* OR input* OR quot* OR refer* OR RAG OR retriev* OR trademark OR mark OR publish* OR work* OR artic* OR public*) AND (licens* OR paywall OR subscri*)	Rebecca Grossman-Cohen, Sam Felix, William Bardeen	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
16	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft OR GenAI OR generative OR GAI) AND (reproduc* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR summar* OR output* OR input* OR quot* OR refer* OR RAG OR retriev* OR trademark OR mark) AND (market* OR negot* OR revenue* OR deal*)	((*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft OR GenAI OR generative OR GAI) AND (reproduc* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR summar* OR output* OR input* OR quot* OR refer* OR RAG OR retriev* OR trademark OR mark OR publish* OR work* OR artic* OR public*) AND (market* OR negot* OR revenue* OR deal*))	Rebecca Grossman-Cohen, Sam Felix, William Bardeen	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
17	n/a	(reproduc* OR copy* OR copie* OR regurgitat* OR memoriz* OR generat* OR summar* OR output* OR input* OR quot* OR refer* OR RAG OR retriev* OR trademark OR mark OR publish* OR work* OR artic* OR public*) AND (licens* OR paywall OR subscri*) AND (chatbot OR "neural network*" OR Claude OR Anthropic OR Bard OR Gemini OR RoBERTa OR LaMDA OR Perplexity)	Rebecca Grossman-Cohen, Sam Felix, William Bardeen	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
18	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft) AND (reproduc* OR copy* OR copie* OR regurgitat* OR summar* OR output* OR input* OR quot* OR refer* OR RAG OR retriev*) AND (paywall OR subscri* OR subs OR licens* OR revenue* OR profit* OR los* OR ad* OR damag* OR harm*)	((*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft) AND (reproduc* OR copy* OR copie* OR regurgitat* OR summar* OR output* OR input* OR quot* OR refer* OR RAG OR retriev* OR publish* OR work* OR artic* OR public*) AND (injur* OR traffic* OR visit* OR user* OR reader* OR affiliate OR refer* OR trademark OR mark OR reputation* OR brand))	Alex Hardiman, Hannah Poferl, Rebecca Grossman-Cohen, Sam Felix, William Bardeen	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
19	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft) AND (reproduc* OR copy* OR copie* OR regurgitat* OR summar* OR output* OR input* OR quot* OR refer* OR RAG OR retriev*) AND (injur* OR traffic* OR visit* OR user* OR reader* OR affiliate OR refer* OR trademark OR mark OR reputation* OR brand)	((*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft) AND (reproduc* OR copy* OR copie* OR regurgitat* OR summar* OR output* OR input* OR quot* OR refer* OR RAG OR retriev* OR publish* OR work* OR artic* OR public*) AND (paywall OR subscri* OR subs OR licens* OR revenue* OR profit* OR los* OR ad* OR damag* OR harm*))	Alex Hardiman, Hannah Poferl, Rebecca Grossman-Cohen, Sam Felix, William Bardeen	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
20	("A.I. Initiative*" OR "AI Initiative*" OR ("AI w/2 initiative*") OR ("AI w/2 program*") OR ("A.I. w/2 program*") OR "artificial intelligence" OR (principle* w/10 (Generative OR GAI OR GenAI))) AND ((Zach w/2 Seward) OR "editorial director")	("A.I. Initiative*" OR "AI Initiative*" OR (AI w/2 initiative*) OR (AI w/2 program*) OR (A.I. w/2 program*) OR "artificial intelligence" OR (principle* w/10 (Generative OR GAI OR GenAI))) AND ((Zach w/2 Seward) "editorial director" OR Rubina OR Fillion Or Dylan OR Freedman OR Duy OR Nguyen OR Juliana OR "Castro Varon")	Zach Seward, Alex Hardiman	Because OpenAI's proposed term was capturing documents hitting on individual first and last names that are unrelated to the scope of this discovery request (i.e. "Dylan" and "Nguyen"), The Times proposes the following term instead: ("A.I. Initiative*" OR "AI Initiative*" OR (AI w/2 initiative*) OR (AI w/2 program*) OR (A.I. w/2 program*) OR "artificial intelligence" OR (principle* w/10 (Generative OR GAI OR GenAI))) AND ((Zach w/2 Seward) OR "editorial director" OR (Rubina w/2 Fillion) Or (Dylan w/2 Freedman) OR (Duy w/2 Nguyen) OR (Juliana w/2 "Castro Varon")	Zach Seward, Alex Hardiman	The Times proposed a revised term "because OpenAI's proposed term was capturing documents hitting on individual first and last names that are unrelated to the scope of this discovery request (i.e. 'Dylan' and 'Nguyen')." Please confirm that the revised term will capture emails where these individuals are in either the "to:" or "from:" field. Please run a test search and provide us examples to confirm. If so, we could accept this modification. If not, then we ask that the term be applied as contained in our counterproposal.
21	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft OR GenAI OR generative OR GAI OR "generative AI")	(*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft OR GenAI OR generative OR GAI OR "generative AI" OR LLM* OR "language model*" OR chatbot OR "neural network*" OR Claude OR Anthropic OR Bard OR Gemini OR RoBERTa OR LaMDA OR Perplexity)	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times accepts OpenAI's counter-proposal for this term.		Please run these terms.
22		**OAI Additional Search Terms**				
23		infring* OR plagiar*	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times rejects OpenAI's proposed term because this term is overbroad and not limited to the claims or parties in this case.		The Times rejected terms regarding claims of infringement because the terms are "overbroad and not limited to the claims or parties in this case." OpenAI reserves its right to add search terms regarding claims of infringement pending a decision from the Court regarding these requests. Additionally, please clarify how the Times is identifying the "judicial or quasi-judicial determinations regarding infringement" that the Times has already agreed to produce.
24		DMCA OR statute OR remov* w/10 (content OR work OR article OR infring*)	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times rejects OpenAI's proposed term because this term is overbroad and not limited to the claims or parties in this case.		The Times rejected terms regarding claims of infringement because the terms are "overbroad and not limited to the claims or parties in this case." OpenAI reserves its right to add search terms regarding claims of infringement pending a decision from the Court regarding these requests. Additionally, please clarify how the Times is identifying the "judicial or quasi-judicial determinations regarding infringement" that the Times has already agreed to produce.

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26		author* w/10 assign	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times accepts OpenAI's proposed term.		Please run these terms.
27		(agree* OR permiss* OR permit*) AND (*produc* OR displ* OR embed*)	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times rejects OpenAI's proposed term because the hit counts are unreasonably high and the search term is not targeted to the parties or issues in this case. To the extent that OpenAI is seeking to obtain relevant licensing agreements, The Times is producing responsive documents on this topic through targeted, non-custodial collections.		
28		((OpenAI OR *GPT* OR OAI Or "Open AI") AND (ABC OR CBS OR CNN OR Fox OR *NBC* OR "USA Today" OR "Wall Street Journal" OR WSJ OR "Washington Post" OR WaPo OR Politico OR Bloomberg OR "Vice News" OR HBO OR HuffPo* OR "Huffington Post" OR TMZ OR CNET OR NPR OR "Hollywood Reporter" OR Newsweek OR "New Yorker" OR Time OR "U.S. News" OR Buzzfeed OR PMC OR AP OR "Associated Press" OR IAC OR "News Corp" OR Penske))	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times rejects OpenAI's proposed term because this is not directed at any discovery request propounded by OpenAI that The Times agreed to produce documents in response to. To the extent that OpenAI is seeking documents between The Times and relevant third parties relating to decisions about whether to license works to OpenAI, those are captured by several existing search terms above.		The Times rejected multiple terms regarding communications with other media organizations and named plaintiffs in other copyright actions against OpenAI because the terms are "not directed at any discovery request propounded by OpenAI that The Times agreed to produce documents in response to."
29		(OpenAI OR *GPT* OR OAI OR "Open AI") AND (Sancton OR Saunders OR Schiff OR Sides OR Shapiro OR Tolentino OR TUrow OR Vail OR Winchetser OR alter OR basbanes OR "raw story" OR AlterNet OR Intercept OR "Daily News" OR "Chicago Tribune" OR "Orlando Sentinel" OR Sun-sentinel OR "San Jose Mercury-News" OR "Mercury News" OR "DP Media" OR "Denver Post" OR ORB OR "Orange County Reg*" OR "Northwest Publ*" OR "Pioneer Press")	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times rejects OpenAI's proposed term because this is not directed at any discovery request propounded by OpenAI that The Times agreed to produce documents in response to. To the extent that OpenAI is seeking documents between The Times and relevant third parties relating to decisions about whether to license works to OpenAI, those are captured by several existing search terms above.		The Times rejected multiple terms regarding communications with other media organizations and named plaintiffs in other copyright actions against OpenAI because the terms are "not directed at any discovery request propounded by OpenAI that The Times agreed to produce documents in response to."
30		(OpenAI OR *GPT* OR OAI OR "Open AI") AND (Tremblay OR silverman OR Golden OR Kadrey OR Coates Or Diaz OR Greer OR Hwang OR Klam OR Lippman OR Snyder Or Woodson Or Baldacci OR Bird OR Bly OR Branch OR Cohen OR Connelly OR Day OR Franzen OR Grisham OR Hilderbrand OR Kline OR Lang OR LaValle OR Linden OR "R.R. Martin")	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times rejects OpenAI's proposed term because this is not directed at any discovery request propounded by OpenAI that The Times agreed to produce documents in response to. To the extent that OpenAI is seeking documents between The Times and relevant third parties relating to decisions about whether to license works to OpenAI, those are captured by several existing search terms above.		The Times rejected multiple terms regarding communications with other media organizations and named plaintiffs in other copyright actions against OpenAI because the terms are "not directed at any discovery request propounded by OpenAI that The Times agreed to produce documents in response to."
31		(OpenAI OR *GPT* OR OAI OR "Open AI") AND (PMC OR "Authors Guild" OR "Authors' Guild" OR Disney OR Paramount OR Warner OR "Time Warner" OR Viacom OR Comcast OR NMA OR DCN)	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times rejects OpenAI's proposed term because this is not directed at any discovery request propounded by OpenAI that The Times agreed to produce documents in response to. To the extent that OpenAI is seeking documents between The Times and relevant third parties relating to decisions about whether to license works to OpenAI, those are captured by several existing search terms above.		The Times rejected multiple terms regarding communications with other media organizations and named plaintiffs in other copyright actions against OpenAI because the terms are "not directed at any discovery request propounded by OpenAI that The Times agreed to produce documents in response to."
32		(AI OR "artificial intelligence" OR "generative AI" OR genAI* AND ("The Times" OR NYT OR "New York Times" OR NYTs)	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	Because OpenAI's proposed term is overbroad and the hit counts are unreasonably high, The Times proposes the following revised term instead: (*GPT* OR OAI OR "Open AI" OR OpenAI OR Bing OR Copilot OR Azure OR Microsoft OR GenAI OR generative OR GAI OR "generative AI" OR llm*) AND (polic* OR proc* OR guid* OR rule* OR (employ* w/5 us*))	Alex Hardiman, Zach Seward, Gordon Diggs	OpenAI accepts The Times's counter-proposal (column D). Please run these terms.
33		trend* OR analys*s OR readership OR (trend* w/25 readership) OR (trend* w/25 ((online OR user) w/5 (subscrib* OR subscrip*))	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times rejects OpenAI's proposed term because the hit counts are unreasonably high and this term is not directed at any discovery request propounded by OpenAI that The Times agreed to produce documents in response to.		The Times rejected this term, in part, because "this term is not directed at any discovery request propounded by OpenAI that The Times agreed to produce documents in response to." Per the parties' meet and confer, OpenAI offered to limit RFP 35 to "documents sufficient to show trends in readership for the alleged works and The Times's online subscriptions" for a time period.

The New York Times August 2, 2024 Responses to OpenAI Proposed Search Terms

	A	B	C	D	E	F
1	NYT's Original Term	OAI's Counter-proposal	Custodian(s)	NYT's Responses & Counter-Counter Proposals (7-11)	Custodian(s)	OAI's Response & Counter-Proposal July 31
34		("A.I. Initiative*" OR "AI Initiative*" OR (AI w/2 initiative*) OR (AI w/2 program*) OR (A.I. w/2 program*) OR "artificial intelligence" OR (principle* w/10 (Generative OR GAI OR GenAI)))	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times rejects OpenAI's proposed term because the hit counts are unreasonably high and the search term is overbroad as written. To the extent that OpenAI is seeking documents relating to the A.I. Initiatives program, responsive documents will be captured by the search in row 20 above.		("A.I. Initiative*" OR "AI Initiative*" OR (AI w/2 initiative*) OR (principle* w/3 (Generative OR GAI OR GenAI)))
35		(page w/2 view*) OR (page w/2 click*) OR (page AND statistic*) OR "conversion rate" OR engagement	A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix	The Times rejects OpenAI's proposed term because the hit counts are unreasonably high and the term is overbroad and not directed to the claims or parties in this case. To the extent that OpenAI is seeking documents sufficient to show the total page views for each asserted work (RFP 29), The Times is locating responsive documents on this topic through targeted, non-custodial collections.		The Times rejected this term, in part, because it is "not directed to the claims or parties in this case." Please be prepared to discuss this issue when we meet and confer. Regarding the Times's efforts to locate documents response to RFP via "targeted, non-custodial collections," OpenAI reserves the right to revisit this term based on the results of such efforts.

Per the meet and confer, OpenAI asked two questions: 1) does The Times believe that the "targeted, non-custodial" search was successful?; 2) this issue implicates RFP 30, so please confirm if The Times stands on the objections to RFP 30 previously expressed by email. |
| 36 | | (exclusion w/5 protocol*) OR subscription* OR subscribe* OR paywall* OR metered OR "meter limit*" OR (registration w/5 wall*)" OR "dynamic meter" OR "conversion rate" | A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix | Because OpenAI's proposed term is overbroad and the hit counts are unreasonably high, The Times proposes the following revised term instead:

(webmaster* OR crawl* OR *robot* OR (exclusion protocol*)) AND (paywall OR cach* OR archiv* OR access* OR *index*) | Hannah Poferl, Gordon Diggs | OpenAI accepts The Times's counter-proposal (column D). |
| 37 | | (negot* OR agree*) w/10 (OpenAI OR OAI OR ChatGPT) | A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix | The Times accepts OpenAI's counter-proposal for this term. | Rebecca Grossman-Cohen, Sam Felix, Alex Hardiman, A.G. Sulzberger, Meredith Levien | Please run these terms. |
| 38 | | "Gigaword" OR "Annotated Corpus" OR "Linguistic Data Consortium" OR LDC2003T05 OR LDC2008T19 OR "University of Pennsylvania" OR UPenn | A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix | Because OpenAI's proposal has language that is not directed to any claim or issue in this case ("University of Pennsylvania" and "Upenn"), The Times proposes the following revised term instead:

"Gigaword" OR "Annotated Corpus" OR "Linguistic Data Consortium" OR LDC2003T05 OR LDC2008T19 | A.G. Sulzberger, Meredith Levien, Alex Hardiman, Hannah Poferl, Chris Wiggins, Gordon Diggs, William Bardeen, Zach Seward, Jason Sobel, Rebecca Grossman-Cohen, Sam Felix | ("Gigaword" OR "Annotated Corpus" OR "Linguistic Data Consortium" OR LDC2003T05 OR LDC2008T19 OR (corpus AND (Pennsylvania OR UPenn))) |

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	G	H	I	J	K	L	M	N	O	P
1	OAI's 7-31 Response Hits	OAI's 7-31 Response Hits & Families	Documents in Searchable Set	NYT's 8-2 Responses	Date Range	OAI 1st Hits	OAI 1st Hits With Families	Hits on NYT's 7-11 Counter	Hits + Families on NYT's 7-11 Counter	Notes
2			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	13,986	15,678	n/a	n/a	
3			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	11,897	13,291	n/a	n/a	
4			4,440,284	The Times disagrees that discovery into third-party GenAI tools is relevant or within the scope of this action. But The Times also notes that its proposed search term (D4) already captures documents that reference LLMs, language models, chatboxes, or neural networks without limitation to Defendants' GenAI products, so The Times is offering a reasonable compromise.	11/01/2022-05/01/2024	46,235	58,648	38,798	41,771	
5			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	20,507	22,837	n/a	n/a	
6			4,440,284	The Times disagrees. Discovery into whether or to what extent third-party GenAI tools infringe The Times's copyrights or harm The Times is not relevant to this action.	11/01/2022-05/01/2024	6,377	7,485	n/a	n/a	
7			4,440,284	The Times disagrees that discovery into third-party GenAI tools is relevant or within the scope of this action, as stated above.	11/01/2022-05/01/2024	48,224	60,911	n/a	n/a	
8			4,440,284	The Times disagrees that discovery into third-party GenAI tools is relevant or within the scope of this action, as stated above.	11/01/2022-05/01/2024	38,220	50,645	n/a	n/a	
9			4,440,284	The Times disagrees that discovery into third-party GenAI tools is relevant or within the scope of this action, as stated above.	11/01/2022-05/01/2024	27,112	36,867	n/a	n/a	
10			4,440,284	As stated above, The Times disagrees that discovery into third-party GenAI tools is relevant or within the scope of this action. But The Times also notes that its proposed search term (D10) already captures documents that reference "GenAI" without limitation to Defendants' GenAI products, so The TImes is offering a reasonable compromise.	11/01/2022-05/01/2024	20,470	28,234	14,051	16,240	
11			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	6,999	7,664	n/a	n/a	At least one of the To/From/CC fields includes an email domain that is NOT @nytimes.com
12			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	320	571	n/a	n/a	
13			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	5,904	6,456	n/a	n/a	

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14			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	3,128	3,645	n/a	n/a	
15			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	14,835	16,691	n/a	n/a	
16			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	17,811	19,918	n/a	n/a	
17			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	5,321	10,930	n/a	n/a	
18			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	25,095	30,938	n/a	n/a	
19			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	30,923	36,999	n/a	n/a	
20			4,440,284	We can confirm that The Times's revised term (D20) captures emails or messages where Zach Seward, Rubina Fillion, Dylan Freedman, Duy Nguyen, and/or Juliana Castro Varon are in the to/from/cc field. What do you mean by "provide us examples to confirm"? We ran a test search and confirmed that the search results hit on emails where those individuals were in the to/from/cc fields, and will produce any responsive non-privileged documents in this search result set after we review them in full.	11/12/2023-05/01/2024	8,336	9,337	7,358	8,332	
21			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	341	1,214	n/a	n/a	Run the following term across emails with an email address ending in ".gov" in the To, From, or CC field
22										
23			4,440,284	The Times is locating responsive documents through a non-custodial document collection.	11/01/2022-05/01/2024	10330	14302	n/a	n/a	
24			4,440,284	The Times is locating responsive documents through a non-custodial document collection.	11/01/2022-05/01/2024	7467	9582	n/a	n/a	

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25			4,440,284		11/01/2022-05/01/2024	62393	69195	n/a	n/a	
26			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	109	381	n/a	n/a	
27			4,440,284		11/01/2022-05/01/2024	808480	824790	n/a	n/a	
28			4,440,284	The TImes stands by its objection that RFP 24 seeking all documents/communications with third party news, writers, or media organizations or plaintiffs in related cases relating to "copyright and artificial intelligence" is overbroad. The Times already offered to produce documents and communications with these third parties regarding copyright infringement by OpenAI, but OpenAI declined and didn't offer an alternative compromise. The Times notes that it has already agreed to produce documents & communications with third parties regarding this litigation and documents between The TImes and relevant third parties relating to decisions about whether to license works to OpenAI.	11/01/2022-05/01/2024	24,660	24,728	n/a	n/a	At least one of the To/From/CC fields includes an email domain that is NOT @nytimes.com
29			4,440,284	See above (J28).	11/01/2022-05/01/2024	2,878	2,878	n/a	n/a	
30			4,440,284	See above (J28).	11/01/2022-05/01/2024	20,159	20,192	n/a	n/a	
31			4,440,284	See above (J28).	11/01/2022-05/01/2024	5,036	5,038	n/a	n/a	
32			4,440,284	The Times will run the term in column D.	11/01/2022-05/01/2024	55,682	64,021	7,487	8,975	
33			4,440,284	The TImes agrees to OpenAI's proposed limitation and will produce responsive non-privileged documents in its possession, custody, and control that can be located after a reasonable search sufficient to show trends in readership for the Asserted Works and The Times's online subscriptions from 2018 to present. The Times will locate responsive documents through a non-custodial document collection.	11/01/2022-05/01/2024	133,026	147,159	n/a	n/a	

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34	75,120	86,689	4,440,284	The Times rejects OpenAI's proposed term (F34). The hit counts are unreasonably high and responsive, relevant documents relating to the A.I. Initiatives program will already be captured by the search term in row 20.	11/01/2022-05/01/2024	175,218	193,069	n/a	n/a	
35			4,440,284	(1) The Times believes its non-custodial collection has been successful in locating documents sufficient to show total page views for its published works. The Times is still in the process of locating documents that show total page views for each of its asserted works individually, if any exist, and will produce what it can find after a reasonable search. (2) The TImes is still in the process of trying to locate documents that show the total page views for its asserted works in the first 14 days following publication, if any exist, and will produce what it can find after a reasonable search.	11/01/2022-05/01/2024	59,600	69,752	n/a	n/a	
36			4,440,284	The Times will run the term in column D.	11/01/2022-05/01/2024	243,301	263,398	7,567	14,289	
37			4,440,284	The Times will run the term in column B.	11/01/2022-05/01/2024	2,251	2,809	n/a	n/a	
38	959	1,583	4,440,284	The Times rejects OpenAI's proposed additions to this search term. The words "corpus" and "Pennsylvania" or "Upenn" are overbroad and directed at too many irrelevant documents, and The Times is already producing documents responsive to the RFPs at issue that it collected through a non-custodial search. If any additional responsive documents exist they will be adequately captured by The Times's proposed search term (D38).	11/01/2022-05/01/2024	2,094	3,057	80	253	